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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRANK UNDERHILL, JR., an individual.

Plaintiff

vs.

FOR THE EARTH CORPORATION, an
Arizona Corporation; NELSON GRIST, an
individual; DOES I through X, inclusive; and
ROE ENTITIES XI through M, inclusive,

Defendants

Case No.: 2:21-cv-01287-CDS-VCF

**STIPULATION TO EXTEND TIME FOR
DEFENDANT TO FILE REPLY IN
SUPPORT OF MOTION TO ENFORCE
SETTLEMENT AGREEMENT**

(First Request)

Plaintiff Frank Underhill, Jr. ("Plaintiff"), through his counsel Law Office of Byron Thomas, and Defendants For the Earth Corporation and Nelson Grist ("Defendants"), through its counsel Jackson Lewis P.C., hereby stipulate and agree as follows:

1. On January 13, 2023, Defendants filed their Motion to Enforce Settlement Agreement [ECF No. 36].

2. On February 7, 2023, Plaintiff filed his Opposition to the Motion to Enforce Settlement Agreement [ECF No. 41]. Defendants' reply briefing is currently due to be filed on February 14, 2023.

3. Since the filing of Plaintiff's Opposition, Defendant's Counsel has been required to attend to other matters, including the deposition of a plaintiff in another case, preparing for an upcoming Early Neutral Evaluation, and preparing summary judgment filings in an arbitration matter.

4. Due to the unavailability of Defendants' Counsel, the parties stipulate that Defendants may have up to and including Tuesday, February 21, 2023 to file a reply brief in response to Plaintiff's Opposition to the Motion to Enforce Settlement Agreement.

5. This is the Defendants' first request to extend the time to file reply briefing.

6. This request is made in good faith and not for the purpose of delay.

7. Nothing in this Stipulation, nor the fact of entering to the same, shall have the effect of or be construed as waiving any claim or defense held by any party hereto.

Dated this 14th day of February, 2023.

LAW OFFICE OF BYRON THOMAS

JACKSON LEWIS P.C.

/s/ Byron E. Thomas

/s/ Kyle J. Hoyt

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For The Earth Corporation and Nelson Grist

ORDER

IT IS SO ORDERED that the defendants' request to have up to and including Tuesday, February 21, 2023, to file a reply brief in response to plaintiff's opposition to the motion to enforce settlement agreement is granted, *nunc pro tunc*, to the date the stipulation was filed.


United States District Judge

Dated: March 13, 2023

4890-0198-8177, v. 1